

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**OKI AMERICA, INC., ET AL.,**

**PLAINTIFF,**

**VS.**

**ADVANCED MICRO DEVICES, INC.,**

**DEFENDANT.**

**C04-03171-CRB**

**STIPULATION TO FILE DOCUMENTS  
UNDER SEAL**

**ADVANCED MICRO DEVICES, INC.,**

**COUNTERCLAIMANT,**

**VS.**

**OKI AMERICA, INC., OKI ELECTRIC  
INDUSTRY CO., LTD., OKI DATA  
CORPORATION AND OKI DATA AMERICAS,  
INC.,**

**COUNTER-DEFENDANTS.**

WHEREAS, counsel for Oki and AMD have designated the documents and exhibits listed in Attachment A as Outside Counsel Only under the Protective Order entered by this Court on December 8, 2004; and

WHEREAS, due to citation or paraphrasing of the content of these documents, portions of the following motions have been designated by Oki and AMD as Outside Counsel Only under the Protective Order entered by this Court on December 8, 2004:

(1) AMD's Notice of Motion and Partial Motion for Summary Judgment of Non-Infringement of the Kurachi Patents by its K8 Microprocessors and Motion to Deny Injunctive Relief Against its Obsolete K7 Processors That Were Fabricated in its Fab 25 Facility and Brief in Support;

(2) AMD's Notice of Motion and Motion for Partial Summary Judgment of Literal Infringement of the Patel Patent;

(3) AMD's Notice of Motion and Partial Motion for Summary Judgment of Invalidity of the Asserted Claims of U.S. Patent 6,495,855;

(4) AMD's Notice of Motion and Motion to Exclude the Testimony of Richard B. Troxel With Respect to AMD's Damages Claim; and

(5) AMD's Notice of Motion and Motion to Exclude the Testimony of Richard B. Fair.

WHEREAS, AMD now seeks to file with the Court the documents listed in Attachment A in connection with the above-referenced motions.

IT IS HEREBY STIPULATED AND AGREED by and between all parties that the documents listed in Attachment A and the above-referenced motions should be filed under seal because they contain confidential information protected under the Court's Protective Order entered December 8, 2004.

IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

Dated: September 14, 2006

VINSON & ELKINS, LLP

/s/ Christopher V. Ryan  
Christopher V. Ryan

Attorneys for Advanced Micro Devices, Inc.

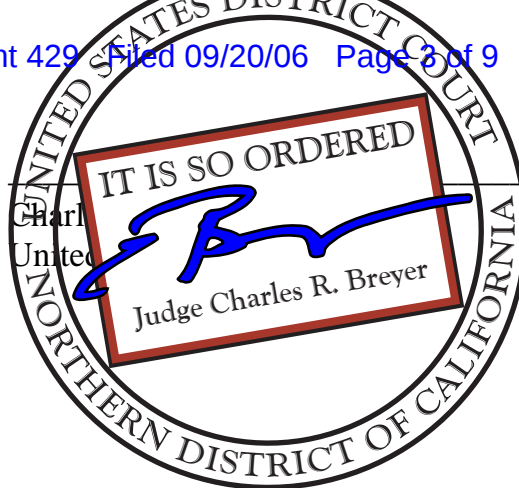
KELLOGG, HUBER, HANSEN, TODD &  
EVANS, PLLC

/s/ Patrick Curran  
Patrick Curran

Attorneys for Oki America, et al.

**IT IS SO ORDERED.**

1 Dated: September 20, 2006



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**PROOF OF SERVICE**

I am employed in Travis County Texas, I am over the age of 18 and not a party to the within action; my business address is 2801 Via Fortuna, Suite 100, Austin, Texas 78746.

On September 14, 2006, I served the foregoing document(s) described as

**STIPULATION TO FILE DOCUMENTS UNDER SEAL**

on the interested parties in this action, at the following addresses:

Daniel J. Bergeson  
Melinda M. Morton  
BERGESON, LLP  
303 Almaden Boulevard, Suite 500  
San Jose, CA 95110-2712

Mark C. Hansen  
J.C. Rozendaal  
Patrick Curran  
KELLOGG, HUBER, HANSEN, TODD &  
EVANS, PLLC  
Sumner Square  
1615 M. Street, NW, Suite 400  
Washington, DC 20036

( ) (For Collection). By placing a true copy (copies) thereof enclosed in a sealed envelope(s), addressed as above, and by placing said sealed envelope(s) for collection and mailing on that date following ordinary business practices. I am "readily familiar" with the business' practice for collection and processing of correspondence for mailing the U.S. Postal Service. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Austin, Texas, in the ordinary course of business.

( ) (Overnight Delivery). By placing a true copy(ies) thereof enclosed in a sealed envelope(s) or package(s) as designated by Federal Express, addressed as above, and depositing said envelope(s) or package(s), with delivery fees provided for, in a box regularly maintained by Federal Express at 2801 Via Fortuna, Suite 100, Austin, Texas 78746.

(X) (Electronic Filing). In accordance with Section IX(B) of General Order No. 45 for cases designated in this Court for electronic case filing.

(X) (Courtesy copy via email). By transmitting a true unredacted copy(ies) thereof to each of the designated counsel on the service list to the following email addresses: [jrozendaal@khhte.com](mailto:jrozendaal@khhte.com) and [dbergeson@be-law.com](mailto:dbergeson@be-law.com).

( ) (Personal Delivery). I caused to be served by messenger for personal delivery that same day the foregoing documents in a sealed envelope to the above persons at the address(es) listed above.

(X) I declare under the penalty of perjury that the foregoing is true and correct.

Executed on September 14, 2006 at Austin, Texas.

/s/  
Dawn Crider

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**ATTACHMENT A**

**AMD's Notice of Motion and Partial Motion for Summary Judgment of Non-Infringement of the Kurachi Patents by its K8 Microprocessors and Motion to Deny Injunctive Relief Against its Obsolete K7 Processors That Were Fabricated in its Fab 25 Facility and Brief in Support:**

1. Exhibit D -- Expert Report of Dr. Richard B. Fair Re Infringement of U.S. Patent 5,739,571 (Kurachi); U.S. Patent 5,856,694 (Kurachi); and U.S. 6,495,855 (Sawamura), which contains AMD's confidential information regarding products and processes.

2. Exhibit E -- Declaration of Stephen Beebe Regarding AMD's Output Buffer ESD Protection Devices, which contains confidential information pertaining to AMD's protection circuits.

3. Exhibit G -- letters dated May 4 and September 8, 2006 from Chris Ryan to J.C. Rozendaal, and letter from J.C. Rozendaal to Chris Ryan dated September 12, 2006, which contains confidential information pertaining to AMD's manufacturing of K7 microprocessors.

4. Exhibit O -- Rebuttal Expert Report of Dr. Dean P. Neikirk Regarding Non-Infringement of Kurachi and Sawamura Patents, which contains confidential information pertaining to AMD's products and processes.

**AMD's Notice of Motion and Motion for Partial Summary Judgment of Literal Infringement of the Patel Patent:**

1. Exhibit D – deposition of Oki Electric Industry Co., Limited, Through its Designee Hiroshi Katsuyama, Vol. 2, July 20, 2005, which contains Oki's confidential information regarding Oki's products and processes.

2. Exhibit E – selected pages from the Expert Report of Dr. Dean P. Neikirk Regarding Infringement of Dixit, Patel, and Allen Patents, which contains Oki's confidential information regarding Oki's products and processes.

3. Exhibit G – Oki Deposition Exhibit Nos. 14-22 (dated July 20, 2005), which contains Oki's confidential information regarding Oki's products and processes.

4. Exhibit H – Rebuttal Expert Report of Dhaval Brahmbhatt Regarding Noninfringement of U.S. Patent No. 4,737,830 (without exhibits), which contains Oki's confidential information regarding Oki's products and processes.

5. Exhibit I – selected pages from the Deposition of Dean P. Neikirk, August 22, 2006, which contains Oki's confidential information regarding Oki's products and processes.

6. Exhibit J – deposition of Dhaval Brahmbhatt, August 29, 2006, which contains Oki's confidential information regarding Oki's products and processes.

**AMD's Notice of Motion and Partial Motion for Summary Judgment of Invalidity of the Asserted Claims of U.S. Patent 6,495,855:**

1. Exhibit F -- July 21, 2006 Expert Report of Dr. Dean P. Neikirk Regarding Invalidity of Kurachi and Sawamura Patents, ¶¶ 87-101, and 108-109, which contains Intel's confidential process and product information.

2. Exhibit G -- July 20, 2006 Expert Report of Dr. Richard Fair Regarding Infringement of U.S. Patent 5,739,571 (Kurachi); U.S. Patent 5,856,694 (Kurachi); and U.S. Patent 6,495,855 (Sawamura), ¶¶ 168-234, which contains confidential information pertaining to AMD's products and processes.

3. Exhibit H -- June 28, 2006 Deposition of Carlos Salazar, which contains Intel's confidential process and product information.

4. Exhibit I -- certain Intel Sales Records, Bates Labeled 851 INTEL000001 and Exhibit 6 to the June 28, 2006 Deposition of Carlos Salazar, which contains Intel's confidential information pertaining to sales.

5. Exhibit M -- June 28, 2006 Deposition of Lawrence Brigham, which contains Intel's confidential process and product information.

6. Exhibit N -- Invalidity Claim Chart for the '855 Patent in light of the Intel 233 MHz with MMX Processor, which contains Intel's confidential process and product information.

7. Exhibit O -- certain Intel Process Documents, Bates Labeled 850 AMD000011-23 and Exhibit 1 to the June 28, 2006 Deposition of Lawrence Brigham, which contains Intel's confidential process and product information.

**AMD's Notice of Motion and Motion to Exclude the Testimony of Richard B. Troxel  
With Respect to AMD's Damages Claim:**

1. Exhibit 1 -- Rebuttal Expert Report on Damages -- Richard B. Troxel, dated August 14, 2006, which contains AMD's and Oki's confidential information pertaining to products, processes and sales.

2. Exhibit 2 -- transcript of Oral Videotaped Deposition of Richard B. Troxel, dated September 6, 2006, which contains AMD's and Oki's confidential information pertaining to products, processes and sales.

3. Exhibit 3 -- Oki Cost Estimate -- Troxel Deposition Exhibit 13, which contains AMD's and Oki's confidential information pertaining to products, processes and sales.

4. Exhibit 4 -- Oki Cost Estimate -- Troxel Deposition Exhibit 14, which contains AMD's and Oki's confidential information pertaining to products, processes and sales.

5. Exhibit 5 -- Oki Cost Estimate -- Troxel Deposition Exhibit 15, which contains AMD's and Oki's confidential information pertaining to products, processes and sales.



**AMD's Notice of Motion and Motion to Exclude the Testimony of Richard B. Fair:**

1. Exhibit A -- Rebuttal Expert Report of Dr. Richard B. Fair Regarding Non-Infringement of USP 4,518,678 dated August 13, 2006, which contains confidential information pertaining to Oki's edge bead removal and importing and sales processes.

2. Exhibit D -- Expert Report of Dr. Richard Fair Regarding Infringement of USP 5,739,571 (Kurachi); USP 5,856,694 (Kurachi); and USP 6,495,855 (Sawamura) dated July 21, 2006, which contains confidential information relating to AMD's products and processes.

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